

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT  
OF NORTH CAROLINA

MICHAEL CROWELL,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Case No. 1:17-cv-515-WO-JEP
v.	)	
	)	
ROY COOPER, Governor of North	)	
Carolina, <i>in his official capacity only</i> ;	)	
<i>et al.,</i>	)	
<i>Defendants.</i>	)	

**PLAINTIFF'S REQUEST FOR STATUS CONFERENCE**

Pursuant to Rule 16, Federal Rules of Civil Procedure, Plaintiff Crowell requests a status conference to determine whether any additional briefing or other action is needed by the parties to expedite the court's consideration of defendants' May 2019 Motion to Dismiss (Doc. 66), and to consider the status of plaintiff's December 2019 Request for Discovery Conference (Doc. 79).

In support of this request plaintiff shows:

- (1) This is an action challenging the exclusion of unaffiliated voters from the State Board of Elections and the 100 county boards of election in North Carolina.

- (2) The action was filed initially in June 2017 in anticipation of resolution before the 2018 election cycle, but was stayed in March 2018 (Doc. 41) and again in November 2018 (Doc. 59) pending the conclusion of related state litigation.
- (3) The state litigation was completed in early 2019 and plaintiff's Amended Complaint (Doc. 63) was filed on April 15, 2019, in anticipation of resolution before the 2020 election cycle.
- (4) Defendants moved to dismiss the complaint on May 13, 2019 (Doc. 66), and briefing on the motion was completed with the filing of reply briefs on July 1, 2019 (Doc. 77, 78).
- (5) With no action taken by the court on the motion to dismiss, plaintiff on December 20, 2019, filed a request for a discovery conference (Doc. 79) to address modification of the stay of discovery in effect since September 2017 (Doc. 21). Defendants responded the same day (Doc. 80).
- (6) There has been no further action on the May 2019 motion to dismiss nor on the December 2019 request for a discovery conference.
- (7) Although the goal of final resolution of this matter for the 2020 election has proven elusive — yet another full election cycle will have passed with a third of the state's voters excluded from participating in the administration of elections — plaintiff still desires to expedite the court's consideration.

(8) A status conference will allow the court and parties to explore whether there are any additional legal issues or other matters the parties might address to facilitate the court's consideration of plaintiff's claims and the defendants' motion to dismiss. If there are any such matters, a status conference will provide an opportunity to set a schedule to prevent this litigation from lingering any longer.

(9) A status conference also will provide an opportunity to consider plaintiff's request for limited discovery and whether such discovery might expedite a final resolution.

This litigation concerns the right of 2.3 million registered unaffiliated voters in North Carolina to participate in elections to the same extent as registered Democrats and Republicans. It is an important issue of public interest, and a status conference will assist in determining a schedule that allows the case to proceed expeditiously.

RESPECTFULLY SUBMITTED, this 15<sup>th</sup> day of July 2020.

/s/ Michael Crowell  
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*Attorney representing himself*

### **CERTIFICATE OF SERVICE**

I certify that on July 15, 2020, I electronically filed this Plaintiff's Request for Status Conference with the Clerk of Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

This 15<sup>th</sup> day of July 2020.

/s/ Michael Crowell

Michael Crowell, Attorney

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